IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 1ST DECEMBER 2006 / 10TH AGRAHAYANA 1928

WP(C).No. 28826 of 2006(F)

PETITIONER:

K. NOUSHAD, S/O.KUNJUMUHAMMED,
KUNDIL HOUSE, KOTTAKKAL P.O., MALAPPURAM.

BY ADV. SRI.P.V.JAYACHANDRAN

RESPONDENTS:

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1. THE DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR TRANSPORT WORKERS
WELFARE FUND BOARD, MALAPPURAM.

2. THE DEPUTY TAHSILDAR (R.R.)
TALUK OFFICE, TIRUR, MALAPPURAM.

BY ADV. SRI.P.RAMAKRISHNAN, SC,KMTWF BOARD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N. RAMACHANDRAN NAIR, J.

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**W.P. (C) No. 28826 OF 2006 F**

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Dated this the 1st day of December, 2006

J U D G M E N T

Petitioner is challenging demand of contribution by the 1st respondent under the Kerala Motor Transport Workers Welfare Fund Act on the ground that petitioner is remitting provident fund contribution to the workers. However, neither the Provident Fund Commissioner is made a party nor has petitioner produced convincing evidence towards proof of it. Ext.P1 only shows that petitioner has paid some amount to provident fund for July, 2006. The case of 1st respondent is that demand for 2004-05 sought to be recovered by Ext.P3 was not challenged by the petitioner by filing appeal eventhough order was issued to the petitioner. There is nothing to indicate that petitioner has paid provident fund contribution for 2004-05 or even 2005-06. If petitioner has any grievance against adjudication orders, it is for petitioner to collect the orders and take the matter before the statutory authority in appeal. Writ petition is closed giving freedom to the petitioner to file appeal if he so desires.

(C.N. RAMACHANDRAN NAIR, JUDGE)

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